

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO**

Wendy Berry, Lorri Hulings, and Kathleen Sammons, individually and as representatives of a class of similarly situated persons, and on behalf of the FirstGroup America, Inc. Retirement Savings Plan,

Plaintiffs,

v.

FirstGroup America, Inc., FirstGroup America, Inc. Employee Benefits Committee, and Aon Hewitt Investment Consulting, Inc.,

Defendants.

Case No. 1:18-cv-00326-TSB

Judge Timothy S. Black

**JOINT STIPULATION FOR A SHORT EXTENSION OF EXPERT DISCOVERY
AND DISPOSITIVE MOTION DEADLINES**

Plaintiffs Wendy Berry, Lorri Hulings, and Kathleen Sammons, and Defendants FirstGroup America, Inc., FirstGroup America, Inc. Employee Benefits Committee, and Aon Hewitt Investment Consulting, Inc. (collectively, the “Parties”), through their undersigned counsel, hereby jointly move for a short extension to complete expert discovery and the deadline to file dispositive motions. The parties jointly request the following updated case schedule:

Event	Updated Deadline
Defendants’ Initial Expert Reports	June 17, 2022
Plaintiffs’ Rebuttal Expert Reports	July 15, 2022
Defendants’ Sur-Rebuttal Reports	August 12, 2022
Close of Expert Discovery	September 9, 2022
Summary Judgment Briefs	October 14, 2022
Oppositions Briefs	November 18, 2022
Reply Briefs	December 16, 2022
<i>Daubert</i> Motions ¹	January 27, 2023

¹ The prior case schedule did not include a deadline for the filing of *Daubert* motions.

In support of this motion, the Parties state as follows:

On May 4, 2021, the Court entered a Scheduling Order (ECF No. 64) setting the expert discovery deadline for August 12, 2022 and the dispositive motion deadline for September 23, 2022.

Due to scheduling conflicts, one of Aon Hewitt Investment Consulting, Inc.'s expert witnesses is traveling internationally and is unavailable for deposition in early August. Accordingly, the Parties have met and conferred regarding the case schedule, and believe that it would be in the interests of all Parties to receive a short extension to the expert discovery deadline to permit additional time for expert depositions. The Parties also propose a corresponding extension of the deadlines for dispositive motions.

This Court has broad discretion under Rule 6(b) of the Federal Rules of Civil Procedure to grant an extension of a deadline upon the showing of good cause. *See* Fed.R.Civ.P. 6(b); *Kimble v. Hosoi*, 439 F.3d 331, 336 (6th Cir. 2006) (finding that district courts enjoy broad discretion with regards to pretrial management, scheduling, and docket control); *U.S. v. Van Dyke*, 605 F.2d 220, 227 (6th Cir. 1979) (indicating that a district court has wide discretion in scheduling a trial). The Parties respectfully submit that good cause exists here because extending the expert discovery deadline will permit a more productive and efficient expert discovery period for all Parties. This is the first request for an extension of the expert discovery and dispositive motion deadlines and the brief extension sought by the Parties will not unduly delay the proceedings or prejudice either Plaintiffs or Defendants. Furthermore, the granting of this motion will not interfere with any other deadlines currently scheduled by the Court.

WHEREFORE, the Parties respectfully request that the Court grant their motion by setting the deadline for the close of expert discovery as September 9, 2022, setting the deadline

for dispositive motions as October 14, 2022, setting the deadline for opposition briefs as November 18, 2022, setting the deadline for reply briefs as December 16, 2022, and setting the deadline for *Daubert* motions as January 27, 2023.

Dated: June 17, 2022

Respectfully submitted,

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/s/ Paul Lukas

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CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2022, a true and correct copy of the foregoing
was served by CM/ECF to the parties registered to the Court's CM/ECF system.

Dated: June 17, 2022

/s/ Shannon M. Barrett
Shannon M. Barrett